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CONSTITUTIONAL LAW—EXECUTION AGAINST STATE.—In the original cause of *Virginia v. West Virginia* (238 U. S. 202, 59 L. Ed. 1272, 35 Sup. Ct. Rep. 795) a decree was rendered in favor of Virginia and against West Virginia for \$12,393,929.50, the court adjudicating this amount to be due to the former state as the equitable proportion of the public debt of the original state of Virginia which was assumed by the State of West Virginia at the time of its creation as a state. This amount not being paid, the state of Virginia prayed for a writ of execution against the state of West Virginia. *Held*, the petition should be denied, inasmuch as the defendant had no power to pay the judgment in question except through the legislative department of its government, and the state legislature had not met since the rendition of the judgment. *Commonwealth of Virginia v. State of West Virginia*, 241 U. S. 531, 36 Sup. Ct. 719.

Counsel for defendant had resisted the granting of the execution on several grounds; among others was the argument that although the Constitution imposes upon the Supreme Court the duty, and grants it full power, to consider controversies between states, and therefore authority to render the decree in question, yet with the grant of jurisdiction there was conferred no authority whatever to enforce a money judgment against a state if, in the exercise of jurisdiction, such a judgment was entered. The court, having denied the execution for the reasons stated in the first paragraph, very wisely refused to answer the additional arguments that had been advanced by defendant's counsel. Article 3, Section 2 of the Constitution gives the Supreme Court original jurisdiction in cases arising between states. Among the cases in which the Supreme Court has exercised this branch of its original jurisdiction may be cited: *South Dakota v. North Carolina*, 192 U. S. 286, 24 Sup. Ct. 269, 48 L. Ed. 448; *Kansas v. Colorado*, 185 U. S. 125, 22 Sup. Ct. 552, 46 L. Ed. 838; *Missouri v. Illinois*, 180 U. S. 208, 21 Sup. Ct. 331, 45 L. Ed. 497; *Rhode Island v. Massachusetts*, 12 Pet. 657, 9 L. Ed. 1233; *New Jersey v. New York*, 5 Pet. 284, 8 L. Ed. 127. So far as the records disclose, the Supreme Court was not called upon in any one of the above cases to render an execution against the defendant state in order that the decree might be effectuated. Were this the case where a state had permitted itself to be sued by some private individual, the judgment would merely liquidate and establish the claim, and, without an express statutory provision, could not be collected by execution against the state or its property. *Westinghouse Electric & Manufacturing Co. v. Chambers*, 169 Cal. 131, 145 Pac. 1025; *Dabney v. Bank of State*, 3 S. C. (3 Rich.) 124. But inasmuch as it is quite probable that the legislature of West Virginia, when it next convenes, will provide for the payment of the judgment, it is not expected that the Supreme Court will find it necessary in order to enforce its decree to determine what action it would pursue in the event that a state refused to pay a judgment rendered against it.

CONSTITUTIONAL LAW—STATE REGULATION OF COMMERCE IN INTOXICATING LIQUORS.—The State of Texas in 1907 imposed a tax of \$5,000.00 annually on each agency of every express company where intoxicating liquors were